



Eythorne Parish Council

Data Protection & Freedom of Information Policy

Introduction

In order to conduct its business, services and duties, Eythorne Parish Council processes a wide range of data, relating to its own operations and some which it handles on behalf of partners. In broad terms, this data can be classified as:

- Data shared in the public arena about the services it offers, its mode of operations and other information it is required to make available to the public.
- Confidential information and data not yet in the public arena such as ideas or policies that are being worked up.
- Confidential information about other organisations because of commercial sensitivity.
- Personal data concerning its current, past and potential employees, Councillors, and volunteers.
- Personal data concerning individuals who contact it for information, to access its services or facilities or to make a complaint.

Eythorne Parish Council will adopt procedures and manage responsibly, all data which it handles and will respect the confidentiality of both its own data and that belonging to partner organisations it works with and members of the public. In some cases, it will have contractual obligations towards confidential data, but in addition will have specific legal responsibilities for personal and sensitive information under data protection legislation.

The Parish Council will periodically review and revise this policy in the light of experience, comments from data subjects and guidance from the Information Commissioners Office.

The Council will be as transparent as possible about its operations and will work closely with public, community and voluntary organisations. Therefore, in the case of all information which is not personal or confidential, it will be prepared to make it available to partners and members of the Parish's communities. Details of information which is routinely available is contained in the Council's Publication Scheme which is based on the statutory model publication scheme for local councils.

Protecting Confidential or Sensitive Information

Eythorne Parish Council recognises it must at times, keep and process sensitive and personal information about both employees and the public, it has therefore adopted this policy not only to meet its legal obligations but to ensure high standards.

The General Data Protection Regulation (GDPR) which become law on 25th May 2018 and with like the Data Protection Act 1998 before them, seek to strike a balance between the rights of individuals and the sometimes, competing interests of those such as the Parish Council with legitimate reasons for using personal information.

The policy is based on the premise that Personal Data must be:

- Processed fairly, lawfully and in a transparent manner in relation to the data subject.
- Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes.
- Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.
- Accurate and, where necessary, kept up to date.
- Kept in a form that permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed.
- Processed in a manner that ensures appropriate security of the personal data including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

Data Protection Terminology

Data subject - means the person whose personal data is being processed. That may be an employee, prospective employee, associate or prospective associate of BTC or someone transacting with it in some way, or an employee, Member or volunteer with one of our clients, or persons transacting or contracting with one of our clients when we process data for them.

Personal data - means any information relating to a natural person or data subject that can be used directly or indirectly to identify the person. It can be anything from a name, a photo, and an address, date of birth, an email address, bank details, and posts on social networking sites or a computer IP address.

Sensitive personal data - includes information about racial or ethnic origin, political opinions, and religious or other beliefs, trade union membership, medical information, sexual orientation, genetic and biometric data or information related to offences or alleged offences where it is used to uniquely identify an individual.

Data controller - means a person who (either alone or jointly or in common with other persons) (e.g., Parish Council, employer, council) determines the purposes for which and the manner in which any personal data is to be processed.

Data processor - in relation to personal data, means any person (other than an employee of the data controller) who processes the data on behalf of the data controller.

Processing information or data - means obtaining, recording or holding the information or data or carrying out any operation or set of operations on the information or data, including:

- Organising, adapting or altering it
- retrieving, consulting or using the information or data
- disclosing the information or data by transmission, dissemination or otherwise making it available
- aligning, combining, blocking, erasing or destroying the information or data. regardless of the Technology used.

Eythorne Parish Council processes personal data in order to:

- fulfil its duties as an employer by complying with the terms of contracts of employment, safeguarding the employee and maintaining information required by law.
- pursue the legitimate interests of its business and its duties as a public body, by fulfilling contractual terms with other organisations, and maintaining information required by law.
- monitor its activities including the equality and diversity of its activities
- fulfil its duties in operating the business premises including security
- assist regulatory and law enforcement agencies
- process information including the recording and updating details about its Councillors, employees, partners and volunteers.
- process information including the recording and updating details about individuals who contact it for information, or to access a service, or make a complaint.
- undertake surveys, censuses and questionnaires to fulfil the objectives and purposes of the Council.
- undertake research, audit and quality improvement work to fulfil its objects and purposes.
- carry out Council administration.

Where appropriate and governed by necessary safeguards we will carry out the above processing jointly with other appropriate bodies from time to time.

The Council will ensure that at least one of the following conditions is met for personal information to be considered fairly processed:

- The individual has consented to the processing
- Processing is necessary for the performance of a contract or agreement with the individual
- Processing is required under a legal obligation
- Processing is necessary to protect the vital interests of the individual
- Processing is necessary to carry out public functions
- Processing is necessary in order to pursue the legitimate interests of the data controller or third parties.

Particular attention is paid to the processing of any sensitive personal information and the Parish Council will ensure that at least one of the following conditions is met:

- Explicit consent of the individual
- Required by law to process the data for employment purposes
- A requirement in order to protect the vital interests of the individual or another person

Who is responsible for protecting a person's personal data?

The Parish Council as a corporate body has ultimate responsibility for ensuring compliance with the Data Protection legislation. The Council has delegated this responsibility day to day to the Parish Clerk.

- Email: eythornepcclerk@fastmail.fm
- Correspondence: The Parish Clerk, C/O Elvington Community Centre, St Johns Road, Elvington CT15 4DZ.

Diversity Monitoring

Eythorne Parish Council monitors the diversity of its employees, and Councillors, in order to ensure that there is no inappropriate or unlawful discrimination in the way it conducts its activities. It undertakes similar data handling in respect of prospective employees. This data will always be treated as confidential. It will only be accessed by authorised individuals within the Council and will not be disclosed to any other bodies or individuals. Diversity information will never be used as selection criteria and will not be made available to others involved in the recruitment process. Anonymised data derived from diversity monitoring will be used for monitoring purposes and may be published and passed to other bodies.

The Council will always give guidance on personnel data to employees, councillors, partners and volunteers through a Privacy Notice and ensure that individuals on whom personal information is kept are aware of their rights and have easy access to that information on request.

Appropriate technical and organisational measures will be taken against Unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.

Personal data shall not be transferred to a country or territory outside the European Economic Areas unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

Information provided to us

The information provided (personal information such as name, address, email address, phone number) will be processed and stored so that it is possible for us to contact, respond to or conduct the transaction requested by the individual. By transacting with Eythorne Parish Council, individuals are deemed to be giving consent for their personal data provided to be used and transferred in accordance with this policy, however wherever possible specific written consent will be sought. It is the responsibility of those individuals to ensure that the Parish Council is able to keep their personal data accurate and up to date. The personal information will be not shared or provided to any other third party or be used for any purpose other than that for which it was provided.

The Councils Right to Process Information

General Data Protection Regulations (and Data Protection Act) Article 6 (1) (a) (b) and (e)

Processing is with consent of the data subject, or

Processing is necessary for compliance with a legal obligation.

Processing is necessary for the legitimate interests of the Council.

Information Security

The Parish Council cares to ensure the security of personal data. We make sure that your information is protected from unauthorised access, loss, manipulation, falsification, destruction or unauthorised disclosure. This is done through appropriate technical measures and appropriate policies.

We will only keep your data for the purpose it was collected for and only for as long as is necessary, after which it will be deleted.

Children

We will not process any data relating to a child (under 13) without the express parental/guardian consent of the child concerned.

Rights of a Data Subject

Access to Information: an individual has the right to request access to the information we have on them. They can do this by contacting our Parish Clerk or Data Protection Officer:

Information Correction: If they believe that the information we have about them is incorrect, they may contact us so that we can update it and keep their data accurate. Please contact: The Parish Clerk.

Information Deletion: If the individual wishes the Parish Council to delete the information about them, they can do so by contacting the Parish Clerk.

Right to Object: If an individual believes their data is not being processed for the purpose it has been collected for, they may object by contacting the Parish Clerk or Data Protection Officer.

The Parish Council does not use automated decision making or profiling of individual personal data.

Complaints: If an individual has a complaint regarding the way their personal data has been processed, they may make a complaint to the Parish Clerk, Data Protection Officer or the Information Commissioners Office casework@ico.org.uk Tel: 0303 123 1113.

The Council will always give guidance on personnel data to employees through the Employee handbook.

The Council will ensure that individuals on whom personal information is kept are aware of their rights and have easy access to that information on request.

Making Information Available

The Publication Scheme is a means by which the Council can make a significant amount of information available routinely, without waiting for someone to specifically request it. The scheme is intended to encourage local people to take an interest in the work of the Council and its role within the community.

In accordance with the provisions of the Freedom of Information Act 2000, this Scheme specifies the classes of information which the Council publishes or intends to publish. It is supplemented with an Information Guide which will give greater detail of what the Council will make available and hopefully make it easier for people to access it.

All formal meetings of Council and its committees are subject to statutory notice being given on notice boards, the Website and sent to the local media. The Council publishes an annual programme in May each year. All formal meetings are open to the public and press and reports to those meetings and relevant background papers are available for the public to see. The Council welcomes public participation and has a public participation session on each Council and committee meeting. Details can be seen in the Council's Standing Orders, which are available on its website or at its Offices.

Occasionally, Council or committees may need to consider matters in private. Examples of this are matters involving personal details of staff, or a particular member of the public, or where details of commercial/contractual sensitivity are to be discussed. This will only happen

after a formal resolution has been passed to exclude the press and public and reasons for the decision are stated. Minutes from all formal meetings, including the confidential parts are public documents.

The Openness of Local Government Bodies Regulations 2014 requires written records to be made of certain decisions taken by officers under delegated powers. These are not routine operational and administrative decisions such as giving instructions to the workforce or paying an invoice approved by Council but would include urgent action taken after consultation with the Chairman, such as responding to a planning application in advance of Council. In other words, decisions which would have been made by Council or committee had the delegation not been in place.

The 2014 Regulations also amend the Public Bodies (Admission to Meetings) Act 1960 to allow the public or press to film, photograph or make an audio recording of council and committee meetings normally open to the public. The Council will where possible facilitate such recording unless it is being disruptive. It will also take steps to ensure that children, the vulnerable and members of the public who object to being filmed are protected without undermining the broader purpose of the meeting.

The Council will be pleased to make special arrangements on request for persons who do not have English as their first language or those with hearing or sight difficulties.

Disclosure Information

The Council will as necessary undertake checks on both staff and Members with the Disclosure and Barring Service and will comply with their Code of Conduct relating to the secure storage, handling, use, retention and disposal of Disclosures and Disclosure Information. It will include an appropriate operating procedure in its integrated quality management system.

Data Transparency

The Council has resolved to act in accordance with the Code of Recommended Practice for Local Authorities on Data Transparency (September 2011). This sets out the key principles for local authorities in creating greater transparency through the publication of public data and is intended to help them meet obligations of the legislative framework concerning information.

“**Public data**” means the objective, factual data on which policy decisions are based and on which public services are assessed, or which is collected or generated in the course of public service delivery.

The Code will therefore underpin the Council’s decisions on the release of public data and ensure it is proactive in pursuing higher standards and responding to best practice as it develops.

The principles of the Code are:

Demand led: new technologies and publication of data should support transparency and accountability

Open: the provision of public data will be integral to the Council’s engagement with residents so that it drives accountability to them.

Timely: data will be published as soon as possible following production.

Government has also issued a further Code of Recommended Practice on Transparency, compliance of which is compulsory for parish councils with turnover (gross income or gross expenditure) not exceeding £25,000 per annum. These councils will be exempt from the requirement to have an external audit from April 2017. Eythorne Parish Council exceeds this turnover but will nevertheless ensure the following information is published on its website for ease of access:

- All transactions above £100.
- End of year accounts
- Annual Governance Statements
- Internal Audit Reports
- List of Councillor or Member responsibilities
- Details of public land and building assets
- Draft minutes of Council and committees within one month
- Agendas and associated papers no later than three clear days before the meeting.

FREEDOM OF INFORMATION

The Freedom of Information Act gives you the right to obtain information held by public authorities unless there are good reasons to keep it confidential.

The Information Commissioner's Office (ICO) is the UK's independent public body set up to promote access to official information and protect personal information. It has responsibility for ensuring that information is disclosed promptly and that exemptions from disclosure are applied lawfully. Some information could be exempt from disclosure.

Additional guidance on the Freedom of Information Act is available on the ICO website at www.ico.gov.uk or by telephone to their helpline 01625 545745.

1. MAKING A REQUEST FOR INFORMATION

1.1 How to make a request

- a) Make the information as specific as possible. If your request is too broad the Council may ask you to clarify it. This could mean it takes longer to get the information.
- b) Provide as full a description as possible of the information you require.
- c) Be clear about the format you would prefer to receive the information in, for example, by e-mail or as a paper copy

1.2 What happens when my request has been received?

a) Any request for information should be treated by the Council as a formal request for information and the Council suggests that e-mails or letters are clearly marked as freedom of information requests to avoid any confusion.

b) The Council must respond promptly to requests or, in any event, within 20 working days although the Council has longer to consider whether the disclosure of normally exempt information would be in the public interest. When considering the public interest test, the Council must do so 'within a reasonable time.'

1.3 What if the request is refused?

a) Where the Council decides not to disclose the information requested it must give reasons for its decision, it must explain how the exemption or exception applies and it must explain the

arguments under the public interest test. The Council must also inform you of your right to complain to the ICO.

1.4 How can the ICO help and what is the legal process?

a) You may apply to the ICO for a decision about whether the request has been dealt with according to the Act, for example, you believe there has been excessive delay or if you wish to dispute the application of an exemption or refusals made on public interest grounds. The ICO may serve a decision notice on the Council either confirming the decision made by the Council or directing it to disclose information within a certain time. Non-compliance with a decision notice may constitute contempt of court. If you or the Council disagrees with the ICO's decision you have 28 days to appeal to the independent Information Tribunal. The Information Tribunal may uphold the ICO's decision notice, amend it (for example change the time frame for release of information) or overturn it. Non-compliance with the Information Tribunal's notice may also constitute contempt of court.

2. MODEL PUBLICATION SCHEME

a) Under the Freedom of Information, it is the duty of every public authority to adopt and maintain a publication scheme.

b) The Information Commissioner's Office (ICO) is changing the emphasis in the approval and operation of publication schemes to a generic model which should be adopted and operated by all public authorities.

c) The model commits a public authority to 'produce and publish the method by which the specific information will be available so that it can be easily identified and accessed by members of the public'.

d) This must be adopted in full, unedited and promoted alongside the guide to information. Local councils are not required to inform the Information Commissioner's Office that they have adopted the scheme; it will be assumed they have done so unless the ICO hears otherwise.

e) The publication scheme provides a list of all the information the Council will make routinely available, explain how it can be accessed (either via the Parish Council website or hard copy) and whether or not a charge will be made for it.

2.1 Classes of Information

The information held by Eythorne Parish Council has been recorded under the following classes of information:

Class 1 - Who we are and what we do

Class 2 - What we spend and how we spend it

Class 3 - What our priorities are and how we are doing

Class 4 - How we make decisions

Class 5 - Our policies and procedures

Class 6 - Lists and registers

Class 7 - The services we offer

2.2 Charges for Information Published under this Scheme

a) Information available through this Council's publication scheme should be readily available at minimum cost to the public. In most cases charges will be made on the basis of cost recovery.

b) Charges may be made for actual disbursements (e.g. photocopying and postage) and information that the council is legally authorised to charge for.

i. Anyone requesting information will be notified of any charge before the information is provided.

ii. Payment will be requested before the information is supplied.

iii. A schedule of charges is appended to this document.

2.3 Freedom of information requests and the Publication Scheme

It is important to note that a publication scheme simply sets out the information that is routinely available. Information that is not listed in the guide to information can still be requested and should be made available unless it can be legitimately withheld.

3. INFORMATION AVAILABLE FROM EYTHORNE PARISH COUNCIL UNDER THE MODEL PUBLICATION SCHEME

Class 1 - Who we are and what we do Note: This will be current information only		
Information to be published	How the information can be obtained	Cost
Who's who on the Council	Website Hard copy – contact Clerk	Free 15p per sheet
Contact details for Parish Clerk and Council members	Website Hard copy – contact Clerk	Free 15p per sheet
Location of main Council office and accessibility details	Website Hard copy – contact Clerk	Free Free
Staffing structure	None	-

Class 2 – What we spend and how we spend it Note: Current and previous financial year		
Information to be published	How the information can be obtained	Cost
Annual return form and report by auditor	Website Hard copy – contact Clerk	Free 15p per sheet
Finalised budget	Website Hard copy – contact Clerk	Free 15p per sheet
Precept	Hard copy – contact Clerk	15p per sheet
Borrowing Approval letter	n/a	15p per sheet
Standing Orders and Financial Regulations	Hard copy – contact Clerk	15p per sheet
Grants given and received	Hard copy – contact Clerk	15p per sheet
List of current contracts awarded and value of contract	Hard copy – contact Clerk	15p per sheet
Members' allowances and expenses	Hard copy – contact Clerk	15p per sheet

Class 3 – What our priorities are and how we are doing		
Information to be published	How the information can be obtained	Cost
Eythorne Parish Plan 2007	Hard copy – contact Clerk	15p per sheet
Playground Inspection	Hard copy – contact Clerk	15p per sheet
Annual Report to Parish – current year		Free

Class 4 – How we make decisions Note: This will be current information only		
Information to be published	How the information can be obtained	Cost
Timetable of meetings	Website Hard copy – contact Clerk	Free 15p per sheet
Agenda of meetings	Website	Free

	Hard copy – contact Clerk	15p per sheet
Minutes of meetings - this will exclude information that is properly regarded as private to the meeting	Website Hard copy – contact Clerk	Free 15p per sheet
Reports presented to council meetings - this will exclude information that is properly regarded as private to the meeting	Website within published meeting Minutes	Free
Responses to consultation papers	Website within published meeting Minutes	Free
Responses to planning applications	Website within published meeting Minutes	Free
Bye-laws	Hard copy – contact Clerk	15p per sheet

Class 5 – Our policies and procedures
Note: This will be current information only

Information to be published	How the information can be obtained	Cost
Policies and procedures for the conduct of council business: <ul style="list-style-type: none"> • Standing orders • Committee and sub-committee terms of reference – currently n/a (at Dec 2024) • Delegated authority in respect of officers –currently N/A (at Dec 2024) • Code of Conduct • Policy statements 	Hard copy – contact Clerk	15p per sheet
Policies and procedures for the provision of services and about the employment of staff: n/a	n/a	-
Internal policies relating to the delivery of services - n/a	n/a	-
Equal Opportunities policy	Website Hard copy – contact Clerk	Free 15p per sheet
Health and safety policy/risk assessments	Website Hard copy – contact Clerk	Free 15p per sheet
Recruitment policies (including current vacancies) – n/a	n/a	-
Policies and procedures for handling requests for information	Website Hard copy – contact Clerk	Free 15p per sheet
Complaints procedures (including those covering requests for information and operating the publication scheme)	Website Hard copy – contact Clerk	Free 15p per sheet
Information security policy	n/a	-
Records management policies (records retention, destruction and archive)	Hard copy – contact Clerk	15p per sheet
Data protection policies	Hard copy – contact Clerk	15p per sheet
Schedule of charges (for the publication of information)	Website Hard copy – contact Clerk	Free 15p per sheet

Class 6 – Lists and Registers Note: Currently maintained lists and registers only		
Information to be published	How the information can be obtained	Cost
Any publicly available register or list	Contact DDC	Unknown
Assets Register	Hard copy – contact Clerk	15p per sheet
Disclosure log	n/a	-
Register of members' interests <ul style="list-style-type: none"> Available to view from the Monitoring Officer, DDC Current Members declaration of interests forms 	Hard copy – contact Clerk	15p per sheet
Register of gifts and hospitality	n/a	15p per sheet

Class 7 – The services we offer Note: Current information only Note: Some information listed below may be available by inspection only		
Information to be published	How the information can be obtained	Cost
Allotments	n/a	-
Burial grounds and closed churchyards	n/a	-
Community centres and village halls	Contact Clerk	-
Parks, playing fields and recreational facilities	Contact Clerk	-
Seating, litter bins, clocks, memorials and lighting	Contact Clerk	-
Bus shelters	Contact Clerk	-
Markets	n/a	-
Public conveniences	n/a	-
Agency agreements	n/a	-
A summary of services for which the council is entitled to recover a fee, together with those fees (e.g. burial fees)	n/a	-

Additional information Note: This will provide Councils with the opportunity to publish information that is not itemised above		
Information to be published	How the information can be obtained	Cost
Monthly Parish Magazine	Hard copy of latest edition – contact Clerk	Free

3.1 Contact details

Clerk Contact details: Jo Pannell, Clerk and Responsible Financial Officer, c/o Elvington Community Centre, St John's Road, Elvington, Dover, Kent CT15 4DZ

Mobile: 077386 792 79

Email: eythornepcclerk@fastmail.fm

Website <http://www.eythornepc.co.uk>

Schedule of charges		
Note: This describes how the charges have been arrived at and is published as part of the guide		
Type of charge	Description	Basis of charge
Cost	Photocopying @ 15p per sheet	Actual cost
	Postage	Actual cost of Royal Mail standard 2nd class
Statutory Fee		In accordance with the relevant legislation

Minute Ref: 02/159/24

Policy Adopted: 14 February 2024

Next review 2026